

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare- West Godavari District –Revision Petition filed u/s. 6 of APSALTR, 1959 r/w 1/70 by Sri Ramisetty Venkateswara Rao S/o Gangayya – Against the orders of Agent to Government, Eluru in S.R.A No: 21/A/90 dated 9-2-1993- Dismissed- Orders – Issued.

SOCIAL WELFARE (LTR-1) DEPARTMENT

G.O.Ms.No:122

Dated: 25 -6-2008
Read the Following:

1. Govt.Memo.No.7406/F1/93-3, dated 8-9-1993.
2. From HC of AP, Order in WP No.295/1994, dt.9-2-2005 filed by Sri Ramisetty Venkateswara Rao S/o Gangayya, West Godavari, Eluru.
3. Govt Memo No: 2318/LTR-1/2005-1 dated: 14-03-2005.
4. From the Collector, West Godavari Dist. Rc.No: F4/4756/04 dt: 8-6-05.
5. Govt Memo No: 2318/LTR-1/2005-2 dt: 16-2-06 , 21-7-06 and 7-6-2007.

ORDER:

In the reference 2nd read above , Sri Ramisetty Venkateswara Rao S/o Gangayya R/o West Godavari Dist had filed a W.P.No.295/2004 before the Hon'ble High Court of AP against the orders of Govt.Memo.No.7406/F1/93-3, dated 8-9-1993 in which the Revision Petition filed against the orders of the Agent to Government, Eluru in S.R.A No: 21/A/90 dated 9-2-1993 in respect of land measuring Acres 0.81 cts in R.S.No.33/2 and R.S.No.26/1D measuring Acrs 1.04 cts of Seetharamanagaram Village of Buttaigudem (M) of West Godavari District was dismissed. The Hon'ble High Court of AP in its order dated 9-2-2005 in WP No.295/2004 for the reasons mentioned there in viewed that the matter requires re-consideration by the revisional authority and set aside the orders issued in Govt.Memo.No.7406/F1/93-3, dated 8-9-1993 and the matter was remitted back to the revisional authjority ie. 1st respondent with a direction to give notice to the revision petitioner by fixing date of hearing and dispose of the same after hearing the petitioner and also ordered status quo with regard to the possession of the land in question till the disposal of the Revision Petition The Main Ground of the Petitioner in the WP No.295/2004 before the High Court of AP is that the revisional authority has disposed of the revision petition without providing an opportunity of hearing and without intimating the date of hearing.

2. The brief history of the case is that the Special Deputy Collector (T.W) , Eluru had initiated a LTR case, on the report of Spl.Deputy Tahsildar (T.W) Kotaramacandrapuram , as the transfer of land in R.S.No 33/2, to an extent of Acres 0.81cts, in R.S.No.26/1D, ac.1.04 cts. In R.S.No.39/1,2 Ac.2.53 cts. and in R.S.No.43/2 Ac.1.01 cts. Total extent of Ac.5.39 cts. situated in Seetharamanagaram Village which was in the enjoyment of non tribal wrt petitioner. The Spl. Dy. Collector (TW) Eluru after detailed equiry issued orders on 21-8-1990 case in S.R.No.731/82 and SR No.80/85 ejecting the non tribal petitioner from the lands in RS No.33/2 Ac.0.81 cts. and in RS No.26/1/D Ac.1.04 cts. total Ac.1.85 cts. finding that the petitioner could not explain as to how his fore fathers or their predecressors in possession acquired the land. In RS No.26/1-D Ac.1.04 registered in 1933 in the name of Chintarao China Gangulu and others and failed to show any documentary evidence. In respect of RS No.33/2 Ac.0.81 cts. the son of the Petitioner Sri R.Naga Satyanarayana deposed that his father purthased the land from Pulapaka Chellayya 15 years back without registration and failed to produce any documentary evidence, hence the transaction took place during 1974 ie. after the amendment Regulation 1/70 came into force on 3-2-1970. Therefore the Special Dy.Collector (TW) passed orders ejecting the petitioner from the lands in RS.No.26/1-D and Rs.No.33/2 vide proceedings in SR No.731/82 and SR No.80/85 dated 21-8-1990. In respect of the lands in RS Nos. 39/1 and 2, 43/2 Ac.3.54 the complaint of Spl. Dy. Tahsildar (TW) was disallowed since the non tribal petitioner proved that these land never belongs to tribals and that he inherited these lands from his ancestors on heredity succession. Aggrieved by the Orders of Lower Court the Revision Petitioner filed an Appeal before the Orders of Lower Court the Revision Petitioner filed an Appeal before the Government, West

Godavari Eluru. in SRA No: 21/90 and the said appeal was dismissed on 9-2-1993 and confirmed the Orders of Special Dy. Collector (TW) Eluru, passed in LTR case SR No.731/82 and SR No.80/85 dated 21-8-1990. Aggrieved by the orders of Agent to Government, the petitioner filed the Revision Petition before the Government. After careful examination the Revision Petition rejected vide Govt.Memo.7406/F1/93-3, dt.8-9-1993. Aggrieved by the orders of Government, the petitioner was approached the Hon'ble High Court of AP vide WP No.295/94.

3. In the reference 3rd read above, the Collector, West Godavari was requested to furnish parawise remarks and case records, the same were furnished vide reference fourth read above. After examination of the Parawise remarks and case records , notices were sent to all concerned to attend the hearing of the Revision Petition on 16-2-06 and after adjournments the case finally came up for hearing on 16-06-2007 vide reference fifth read above. The Counsel for the Petitioner was present .

4. Government after perusal of material evidence on record and after hearing the arguments of the counsel for petitioner it is observed that ----

- i) The petitioner Ramisetty Venkateswara Rao was in possession of the following lands situated in Seetaramanagaram, an agency village in West Godavari District.

a)	RS No.33/2	Acs. 0.81 cts.
b)	RS No.26/1D	Acs. 1.04 cts.
c)	RS No.39/1,2	Acs. 2.53 cts.
d)	RS No.43/2	Acs. 1.01 cts.
	Total	Acs. 5.39 cts.
- ii) Two LTR cases i.e. 731/82 and 80/85 were booked and tried by SDC (TW) K.R.Puram. Final orders were issued on 21.8.1990 holding that:
 - a) the land at (a) i.e. RS No.33/2 measuring 0.81 cts. was purchased by father of the petitioner i.e. Ramisetty Gangaiah about 15 years i.e. to say around 1974 which is after commencement of Regulation 1/70 and thus void as per section 3 (1) (a) of APSALTR, 1959;
 - (b) the land at (b) i.e. RS No.26/1D measuring Acs.1.04 cts. was registered in favour of Sri Chilintharao China Gangulu and others, who do not belong to the family of the petitioner. The petitioner failed to show any documentary evidence as to how he obtained possession of it.
 - (c) the lands at © & (d) i.e. RS No.39/1, 2 measuring Acs.2.53 cts and RS No.43/2 measuring Acs.1.01 cts. total Acs.3.54 cts. was registered in the name of fore-fathers of the petitioner and inherited to the petitioner.
 - (d) Hence, cases were allowed only in respect of lands at (a) & (b) total Acs.1.85 cts. and ordered for eviction.
 - (e) Aggrieved by the orders of SDC (TW) KRPuram, petitioner filed appeal in the court of Agent to Govt. WG Dist. at Eluru in respect of lands at (a) & (b). The Agent to Govt. WG Dist. at Eluru in SRA No.21/A/90, dt. 9.2.1993 upheld orders of SDC (TW) as the petitioner failed to produce documentary evidence in support of his claim.
 - (f) The petitioner has no valid grounds for the possession of land without title in respect of RS No.26/1-D (Acs.1.04) and the bit of land in RS No.33/2 (0.81 cts) was unregistered transaction during 1974. Thus, the possession of these two extents is violative of Amended regulation 1/70.

5. Government after careful examination of the case records of petitioner hereby find no reason to interfere with the orders of the Lower Courts and uphold the orders of Agent to Government, West Godavari, Eluru in S.R..A No: 21/A/90, dated: 9-2-1993 in respect of lands in RS No.33/2 ac. 0.81 cts. And RS No.26/1D, Ac. 1.04 cts. as the transfer of immovable Property took place by the non-tribal after Regulation 1/70 came into force which is null and void as per Sub-section 1 of section 3 of APSALTR 1959

R/W Regulation 1/70. The Revision Petition is dismissed accordingly. The status quo granted in WP No.295/1994, dated 9-2-2005 shall become inoperative.

6. The counsel for the petitioner is requested to inform his clients. The Collector ,West Godavari/Additional Agent to Government , Eluru are requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.NAGI REDDY,
SECRETARY TO GOVERNMENT

To

The Collector, West Godavari District. (WE)

(With RPAD for the following records)

LTR Case No: 731/82 containing 30 pages only.

LTR Case No: 80/85 containing 21 pages only

SRA No: 21/A/90 containing 56 pages only.

The Additional Agent to Government, Eluru.

The Special Deputy Collector, (TW) Kota Ramachandrapuram, W.G..

Sri Ramisetti Venkateswara Rao S/o Gangayya,

Pattennapalem, Jangareddigudem (M) West Godavari, Eluru

Copy to P.S to M(TW&RIAD)

SF/Sc

FORWARDED:BY ORDER

SECTION OFFICER